



**Superior Court  
Justice Courts  
Adult Probation  
Juvenile Probation  
Hereafter Judicial Branch of  
Arizona**

Superior Court  
Contracts Department  
111 S. Third Avenue, LL  
Phoenix, AZ 85003  
Phone: (602) 372-0253

**Request For Proposal  
AMENDMENT NUMBER ONE**

**Request for Proposal Amendment Number: One**

**Request for Proposal Number: 10011-RFP**

**Request for Proposal Title: Continuous Alcohol Monitoring System**

**Solicitation Due Date / Time: April 2, 2010 at 2:00 P.M. Arizona Time**

**Description of Procurement:** The Superior Court of Arizona in Maricopa County (Court) is soliciting sealed responses from qualified contractors who wish to provide and maintain a continuous alcohol monitoring system to support the requirements of the Maricopa County Adult Probation Department (MCAPD).

**Acknowledgement of this Amendment must be returned with the proposal and received by the Judicial Branch of Arizona Superior Court, Contracts Department prior to the Solicitation due date and time.**  
*(Note: Also Complete Offer and Award Page 4 of the original solicitation for Acknowledgement of Amendment).*

As stated in the original Request For Proposal all questions to the RFP were to be submitted in writing by: **March 16, 2010**. All replies were to be issued on **March 23, 2010** as an amendment to the Request for Proposal.

This Request for Proposal is amended as follows: 1) to reflect the questions received on 3/16/10; 2) to reflect the responses to these questions; 3) to post the attendance sheet from the Pre-Offer Conference held on 3/15/10; and 4) to make other required changes to the solicitation.

Offeror hereby acknowledges receipt and understanding of this Solicitation Amendment:

Signature

Date

Printed/Typed Name and Title

Name of Company

This Solicitation Amendment is hereby executed this **23<sup>rd</sup> Day of March 2010**, in Phoenix, Arizona.  
**Signed Copy on File**

Janie Terry; 602-372-0253; terryj@superiorcourt.maricopa.gov  
Contract Specialist; Telephone Number, Email

## Amendment Number One of 10011-RFP

### Questions/Replies:

<b>Q. 1</b>	Page 7, Section E. of the RFP requests that the contractor provide a continuous alcohol monitoring system that operates with either standard telephone lines or wireless cellular telephones. Since alcohol monitoring with cellular communication capability is more expensive and a different price point, can vendors propose alcohol monitoring with landline communication capability as the primary offering, and alcohol monitoring with cellular communication capability as one of the listed options?
<b>A. 1</b>	<i>Yes. The proposal to be offered is the offeror's determination.</i>
<b>Q. 2</b>	Page 7, Section H of the RFP states that the contractor shall be available during normal Court business hours, Monday through Friday, from 8:00 a.m. to 5:00 p.m. Will MCAPD please provide a detailed description of the weekly hours that contractor employees need to be physically present at the court?
<b>A. 2</b>	<i>Currently, the contractor shall be present at DUI Court every Friday from 8:30 to 12 and 1:30 to 4:00. The day(s) and hours are subject to change at the Court's discretion.</i>
<b>Q. 3</b>	Will MCAPD please provide a detailed description of the weekly hours when equipment hookups would occur? In other words, are hookups done five days per week during all court hours or just on certain days of the week?
<b>A. 3</b>	<i>Yes, 5 days per week, 8am to 5pm.</i>
<b>Q. 4</b>	Does the incumbent contractor currently provide MCAPD's Continuous Alcohol Monitoring program with any case management services, for example, fee collections from clients; drug testing services; client check-ins at the vendor's local office; reports to the Court, etc.? Does MCAPD expect to implement any of these case management services into the Continuous Alcohol Monitoring Program awarded from the RFP?
<b>A. 4</b>	<i>Yes. Any implementation of case management services will be based on the proposal submitted.</i>
<b>Q. 5</b>	Page 11, #2 of the RFP states that the current payment structure consists of "a flat daily monitoring rate billed to the Court and a flat daily monitoring rate billed to the client. All other fees are 100% client pay." Will the MCAPD please provide details on all fees currently paid as part of the existing contract, including daily monitoring fees, hookup fees, late payment fees, etc.?
<b>A. 5</b>	<i>This information will not be provided as part of the solicitation process. You may submit a public records request.</i>

<b>Q. 6</b>	5. Does the MCAPD expect that all clients referred to the Continuous Alcohol Monitoring program be self-pay clients? Or does the MCAPD have a criteria that designates certain clients as self-pay clients?
<b>A. 6</b>	<i>Refer to Section 1, Paragraph 10, (I), and Attachment 6.1, number one (1).</i>
<b>Q. 7</b>	6. For clients that are designated as self-pay clients, will the MCAPD please clarify how they expect the invoicing for services to be conducted? <ul style="list-style-type: none"> <li>❖ For example, the contractor sends invoices directly to self-pay clients, as well as sends an invoice to MCAPD. Client payments received by the contractor will be credited to the MCAPD's invoice, and the MCAPD will be responsible for any fees that are not paid by clients. Is this scenario acceptable to the MCAPD?</li> <li>❖ Conversely, does the MCAPD expect the contractor to send invoices directly to self-pay clients only, with each self-pay client being responsible for 100% of their program fees? Does the MCAPD expect to be responsible for any unpaid self-pay client fees in this scenario?</li> </ul>
<b>A. 7</b>	<i>Contractor is responsible for the billing for all self-pay client billings. Refer to Section 1, Paragraph 10, (I), and Attachment 6.1, number one (1).</i>



Q. 8	Does the incumbent contractor assume the responsibility for <b>any</b> indigent clients who cannot pay for the services? If so, what percentage of the total daily population is indigent in this sense? If there are indigent clients, does the contractor collect the flat fee from MCAPD, but zero fee from the client?
A. 8	<i>No. Currently, less than 5 % through DUI Court. There is currently a flat fee from MCAPD and a reduced fee to the client. This may be subject to change based on Court's discretion.</i>
Q. 9	If the MCAPD elects to implement an agency installed/de-installed program rather than a full-service system, does the MCAPD still expect to utilize the self-pay system, as defined in these answers to questions?
A. 9	<i>Yes, the self-pay system may be utilized regardless of service.</i>
Q. 10	<p><b>Page 6, #3 under Technical Specifications:</b> States "if a contractor believes there is anything that should be included as a mandatory requirement in a continuous alcohol monitoring system that is not specifically listed in this RFP, the contractor shall note in the submission and include the addition with the proposal."</p> <p>This being said, this contractor would like to propose the following minimum requirements as necessary for a successful continuous alcohol program, and ask that Maricopa County add these necessary requirements to the above RFP.</p> <ul style="list-style-type: none"> <li>a. Single-source admissibility –All continuous alcohol monitoring devices must be able to confirm a drinking event with one testing method. No secondary testing should be required to confirm a drinking event.</li> <li>b. Controlled sample delivery system –As all current court-admissible alcohol detecting technologies (breathalyzers, PBT, PAS, ETS/ETG etc.) utilize a quantifiable sample when testing for the presence of alcohol, the proposer's continuous alcohol monitoring device must also take a quantifiable controlled sample. Without this, the device cannot distinguish between environmental and ingested alcohol. In any forensic toxicology screen, a controlled sample of the subject – whether it be blood, saliva, breath, urine, or perspiration – is taken and tested for the content, or dose, of intoxicants. Devices or methods that do not utilize a quantifiable sample cannot confirm a specific content of alcohol, and merely indicate the likely presence or absence of alcohol, thus requiring a secondary test to validate.</li> <li>c. Court validation and acceptance – All continuous alcohol monitoring devices must have been validated and accepted by the courts. All vendors must prove that their continuous alcohol device has a history of court acceptance and validation.</li> </ul> <p>Based on our years of experience with transdermal continuous alcohol monitoring, if a client challenges a drinking event, we know that the device must have <u>all</u> of the above requirements in order for its results to be enforceable by the court.</p>
A. 10	<i>No modifications will be made to these paragraphs in the solicitation.</i>

Q. 11	<p><b>Page 7, item I:</b> States "the contractor shall have a formal quality control system in place that will provide assurance of the services detailed in this RFP. ISO 9001 is a preferred quality program for manufacturing."</p> <p>While this contractor believes that all contractors should have a formal quality control system, could Maricopa County please specify why ISO 9001 is the preferred method? ISO 9001 is just one of many ways a company can ensure a formal quality control system. By specifying ISO 9001 as the preferred method, it favors the few vendors that use this method of quality control.</p> <p>In addition, we believe there is a misconception when it comes to ISO 9001 certified companies. John Seddon, Managing Director of Vanguard Consulting and one of the most respected business consultants of our time, stated that "ISO 9001 is not in any way an indication that products produced using its certified systems are any good. A company can intend to produce a poor quality product, and providing it does so consistently and with the proper documentation can put an ISO 9001 stamp on it. <sup>1</sup>"</p> <p>This being said, this contractor asks Maricopa County to please remove its preference for ISO 9001</p>
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	<p>certification in the above specification.</p> <p><sup>1</sup> "A Brief History of ISO 9000: Where did we go wrong?" John Seddon. Chapter one of "The Case Against ISO 9000", 2nd ed., Oak Tree Press. ISBN 1-86076-173-9</p>
A. 11	<i>See amended version at the end of the questions and responses section of this amendment.</i>
Q. 12	<p><b>Page 10, under Evaluations:</b> Can Maricopa County make it mandatory to test each device for a minimum of two weeks before a vendor can be awarded this contract? In several tests across the country, there have been certain devices that claimed to be continuous alcohol devices that detect alcohol continuously. On paper, these units appear to be quality devices. But after being tested in a real-world environment, these devices failed to detect alcohol. To ensure this does not happen to Maricopa County, this contractor asks that you make it mandatory to test each device for a minimum of two weeks before awarding this contract.</p>
A. 12	<i>No modifications will be made to this paragraph.</i>
Q. 13	<p><b>Page 11, Section I, #2, under Payment for Services/Billing/Invoicing Provisions:</b> States that "this current payment structure may change to 100% client self-pay upon award of this contract or during the life of the contract." Can Maricopa County please clarify when this would happen? Also, if this does happen, would the contractor we have the ability to adjust their proposed fees?</p>
A. 13	<i>No. Reference Section 5, paragraphs 16 and 17.</i>
Q. 14	<p><b>Page 46, under References:</b> Can Maricopa County please make it a requirement that all vendors list how many continuous alcohol monitoring devices are being used by each reference – and for how long? This is important to determine vendor experience, as well as size and scope of its customers.</p>
A. 14	<i>No modifications will be made to this paragraph.</i>
Q. 15	<p><b>Under References:</b> Can Maricopa County please clarify that all references listed MUST be currently using the alcohol monitoring equipment being proposed for this RFP? For example, a vendor should not be able to list a customer that is using RF, GPS, or point-in-time alcohol monitoring – and not continuous alcohol monitoring – as a reference for this RFP.</p> <p><b>Also under References:</b> Can Maricopa please clarify that references listed can be references from the original equipment manufacturer of the equipment being proposed? This is important because certain smaller Arizona non-profit or local companies may only service a handful of customers in Arizona, including Maricopa County. Since these companies cannot use Maricopa as a reference, it limits their ability to meet this specification. This contractor believes that the purpose of this specification is to determine the quality and reliability of the equipment being proposed. If so, Maricopa can still accomplish this by allowing vendors to use original equipment manufacturer references.</p>
A. 15	<i>No modifications will be made to this paragraph. The requirement of the paragraph is "at least 3". An offeror can provide additional references as necessary.</i>

## **Other Required Changes:**

### **FROM: Section 1, Paragraph 3. (I)**

The contractor shall have a formal quality control program in place that will provide assurance of the services detailed in the RFP. A copy of the quality program for equipment and monitoring services shall be submitted with the proposal. ISO 9001 is the preferred quality program for manufacturing.

### **TO: Section 1, Paragraph 3. (I)**

The contractor shall have a formal quality control program such as ISO 9001 or similar in place that will provide assurance of the services detailed in the RFP. A copy of the quality program for equipment and monitoring services shall be submitted with the proposal.

DATE: March 15, 2010DATE: March 15, 2010[illegible]

END OF AMENDMENT NUMBER ONE

FOR REQUEST FOR PROPOSAL NO. 10011-RFP